

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRINYAH GODIAH NMIAA PAYNES EL-BEY,

Plaintiff,

-against-

CUBESMART SELF STORAGE,
CUBESMART STORE 0558, and
CUBESMART CORP.,

Defendants.

USDC SDNY
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DOC #: _____
DATE FILED: 8/3/20

1:20-cv-0521 (GHW)

ORDER

GREGORY H. WOODS, United States District Judge:

On May 13, 2020, Defendants filed a motion to compel arbitration. Dkt. No. 8. The Court set a deadline of June 13, 2020 for Plaintiff to file her opposition. Dkt. No. 9.

On June 8, 2020, the Court held a conference in this case. After discussing, among other topics, the motion to compel arbitration, the Court extended the deadline for Plaintiff to file her opposition to Defendants' motion to compel arbitration to July 8, 2020. Dkt. No. 14. As of July 17, 2020, the Court still had not received her opposition, so the Court directed Plaintiff to submit her opposition forthwith, and in no event later than August 1, 2020. Dkt. No. 15.

On July 31, 2020, Plaintiff submitted a letter to the Court. Dkt. No. 20. However, this letter is an exact copy of the letter Plaintiff submitted to the Court on May 29, 2020. Dkt. No. 10. It is not an opposition to Defendants' motion to compel arbitration. Plaintiff is directed to file her opposition forthwith, and in no event later than August 24, 2020. Defendants' reply, if any is due no later than August 31, 2020.

The Court notes that on July 21, 2020, Defendants filed a letter reply in further support of their motion to compel arbitration, even though Plaintiff had not yet filed her opposition with the Court. Dkt. No. 16. In the reply, Defendants argued: "It should be noted that the document is

unsigned, and does not contain a declaration under the penalty of perjury that the statements made therein are true. See F.R.C.P. Rule 11. As such, even if the document is filed with the Court, the Court must dismiss the arguments in their entirety.” *Id.* at 2. When filing her opposition, Plaintiff must ensure that it is signed and that any factual assertions in support of her opposition are properly set forth in an affidavit or declaration sworn under penalty of perjury. In filing her opposition and presenting the relevant facts in a sworn affidavit or declaration, Plaintiff may seek the assistance of the NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York. The clinic’s contact information is available at <https://www.nysd.uscourts.gov/attorney/legal-assistance>.

SO ORDERED.

Dated: August 3, 2020



GREGORY H. WOODS
United States District Judge